

SPEECH

OF

CALEB B. SMITH, OF INDIANNA,

ON

THE VETO POWER:

DELIVERED

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

JULY 21, 1848.

WASHINGTON:

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SPEECH.

The pending question being the motion to reconsider the vote on the Civil and Diplomatic Appropriation bill—

Mr. CALEB B. SMITH, of Indiana, said :

Mr. SPEAKER: An event so extraordinary as the defeat of the Civil and Diplomatic Appropriation bill—a bill indispensable to the ordinary operations of the Government—has naturally produced some sensation in the House. Of course it is not to be supposed that a majority of the House are unwilling to vote the appropriations necessary to carry on the Government. The vote by which the bill has been lost must be reconsidered. Before proceeding to the vote I will, however, avail myself of this opportunity to present my views upon some of the questions connected with the bill, and involved in the debate upon this motion.

I will, in the first place, explain that which seems to have created so much astonishment on the other side of the House—the fact that some of the Whigs voted on yesterday against the passage of the bill. Gentlemen on the other side seem to have taken it for granted that all the Whigs should have voted for the bill, and to be sorely disappointed because this side of the House did not pass it in spite of their opposition. It is true, that the Whig members generally vote for the appropriation bills necessary for the support of the Government. They are not in the habit of playing so poor a game as that of courting popularity by a pretended opposition to measures which they know should and must pass. Is it so with gentlemen on the other side? It is but a short time since the Naval Appropriation bill passed. That bill contained no unusual or extraordinary appropriations. It contained only such appropriations as were recommended by the Administration, and to which no objections whatever were made by the friends of the Administration here. Still, it will be found, on reference to the journal, that there were forty-one votes recorded against the bill. Of these thirty-four were Democrats and only seven were Whigs. It cannot be supposed that those Democrats who voted against this bill were desirous it should be defeated, or that they wished to withhold the necessary annual supplies, without which the Navy could not be kept up. Still their votes were recorded against it.

The same state of affairs will be found in reference to the bill making appropriations for the continuance and repair of fortifications, which passed the House a short time ago. It would be but reasonable to suppose that our Democratic friends, who seem to have a natural love of war, and talk loudly of preparing, not only the country, but “the hearts of the people, for war,” would have been found rallying in support of this bill, and recording their names in its favor. But the journal tells a different story. Of sixty-one votes recorded against its passage, fifty-nine were given by Democrats, and only two by Whigs. The course of these gentlemen reminds me of a man who was long a member of the Legislature of my own State. Although possessed of no great abilities, or shining qualities to attract the public admiration, he seemed to possess a popularity which was invincible. Year after year he was elected over all opposition, and, if he failed to establish a reputation for ability, he at least acquired the character of a very shrewd and cunning electioneer. A gentleman once asked him the reason of his uniform success before the people. The old man replied, it was easily explained: “I have been,” said he “a member of the Legislature some eight or ten years, and I have never yet voted for a bill imposing a tax upon the people, or a general appropriation bill. When I go before

my constituents as a candidate for re-election I point to the tax bills and appropriation bills, and tell them, this is the way you are taxed and your money profligately expended, but my vote is recorded against them all." The old man said he always knew the bills must pass, and that there would be enough to vote for them without him, and he could always make capital out of his opposition to them.

It would seem, Mr. Speaker, that the same system of tactics, so successfully resorted to by this person, has been adopted on the other side of the House. They know that the General Appropriation bills must pass; they rely upon Whig votes to carry them through, while they can find a little electioneering staple in their votes against them. On yesterday, when this bill came up on its passage, some gentlemen on this side of the House, seeing that this game, which had been played before, was likely to be played again, concluded that, if gentlemen on the other side were unwilling to vote for the supplies necessary to sustain the Administration of their own choice, they would go with them, and let the bill be defeated. Some of them did accordingly vote against the bill, and it was defeated. They concluded, if gentlemen on the other side were sincere in their wishes for the defeat of the bill, they should, for once, be gratified. The gentleman from North Carolina (Mr. McKAY) has announced to the House the willingness of the other side to vote for the bill if it can be recommitted and amended by striking out the appropriation of \$50,000 for the Savannah river. They are willing now, it seems, to take all the appropriations contained in the bill, amounting to some four or five millions of dollars, if we will consent to strike out this single item. The controversy is, then, narrowed down to a point. The question to be settled is, shall an appropriation be made to remove the obstructions in the Savannah river?

This appropriation is objected to on the ground, as alleged, that it is out of place in this bill, and because no appropriation for any work of internal improvement should be embraced in the Civil and Diplomatic Appropriation bill.

The gentleman from Virginia (Mr. BAYLY) has asserted, with apparent confidence, that the history of the legislation of Congress may be searched in vain to find a single precedent for an appropriation of this character, contained in a similar bill. I have not had time, Mr. Speaker, since this debate was commenced, to make an extended search for precedents, but I have found at least one precedent, to which I will ask the attention of the gentleman from Virginia. In the Civil and Diplomatic Appropriation bill of 1839, passed by Congress when both branches were largely Democratic, will be found two appropriations for works of this character, one for the removal of a bar in the Connecticut river, and another for "deepening the straight channel of the east pass to Appalachiecola, in Florida."

Besides, in this same bill are contained appropriations for the improvement of the streets of Washington city, which has as little relation to the general objects of the bill as the appropriation for the Savannah river. But if the appropriation is, in itself, right and proper, it matters but little in what bill it may be passed. That it is so I do not entertain a single doubt. The improvement for which the appropriation is designed is one eminently deserving the attention of the Government, and I trust the House will not consent that it shall be stricken from this bill.

The Savannah river is the navigable communication with Savannah, the commercial metropolis of Georgia, and one among the most important cities on our Southern Atlantic seacoast. The navigation of the river is essential to the business and prosperity of the city and the surrounding country. For want of sufficient appropriations to remove the obstructions placed in its channel, already a large portion of the trade and commerce which properly belongs to it has been diverted to other points, to the great injury of the patriotic citizens of Georgia. But the claims of the people of Georgia to an appropriation for this improvement do not rest upon the obligations of the General Government to aid and facilitate the commerce of the country, by the improvement of its great channels and thoroughfares, upon the general principles which apply to ordinary works of internal improvement. They stand upon higher and broader ground. They are not presented to us as the obligations of the

Government to remove the natural obstructions which, in some degree, are found in all our navigable streams.

These obstructions in the channel of the Savannah river consist of *hulks*, or old vessels, which were sunk during the Revolutionary war to prevent the approach of a British fleet to the city.

I heard on yesterday, Mr. Speaker, with surprise, the distinguished gentleman from Georgia, (Mr. IVERSON,) make the declaration that these obstructions were placed in the river for a mere local object—for the benefit of Savannah alone; that the defence of that city was an object of importance and interest only to its own citizens. I could not but be surprised at such a position, and still more at the fact that it was urged by a gentleman who is himself a citizen and a Representative of Georgia. It seemed to me, sir, as well as to others here, extraordinary that that gentleman should have signalized his debut here, by an attack upon the interests of his own State; that the first time his voice was heard in this Hall, it should be heard in denunciation of the well-established claims of justice which the people of his own State present to the General Government. These obstructions were placed in the river in aid of the war, in which the whole country was engaged, and the obligation is equally strong upon all sections of the country to aid in removing them. The defence of the city of Savannah was no local or sectional object. It was not the blood of Georgia alone which flowed in its defence, or which was afterwards so freely shed in the attempt to recapture it from the British. The people of every State hastened to the point of danger, wherever it might be, to repel the advancing foe, or to wrest from him the towns and cities which he had seized. As well might we say that the expulsion of the British from Boston, New York, and Philadelphia was a mere local object, interesting to those cities alone, as that the people of Savannah alone were interested in its defence. These obstructions were placed in the river as a means of carrying on the war of the country. They are now doing great injury to that particular locality; and it appears to me that the plainest principles of justice require the country to remove them. As well might we refuse to pension a soldier who had been maimed in the defence of Savannah, on the ground that he was fighting for the benefit of that city alone.

It is urged again, as an objection to this appropriation, that we have no power under the Constitution to discharge obligations incurred by the Confederacy before the adoption of the Constitution. This argument of unconstitutionality is one which is generally resorted to when all others fail. There is a certain class of constitutional expounders who call themselves strict constructionists. They contend that this Government can do nothing which the Constitution does not expressly and in terms authorize it to do. If an appropriation is asked to improve the Ohio and Mississippi rivers, or to render less hazardous the navigation of our great Northern lakes, they will tell you that the Constitution has conferred upon Congress no power to make appropriations for this purpose; that the power given to Congress to "provide for the common defence and general welfare of the United States," and to "regulate commerce with foreign nations and among the several States," furnishes no authority to facilitate commerce by improving the channels through which it is to be conducted. A gentleman of that school of constitutional expounders once opposed an appropriation for paving Pennsylvania avenue, in Washington city. He said "he had carefully examined the Constitution, and he had never found Pennsylvania avenue mentioned in it once." I suppose those who oppose this appropriation might say that the Savannah river is not mentioned in the Constitution. Yet the same gentlemen who urge this constitutional objection to appropriations of this character, find no difficulty in urging the support of measures, not only of doubtful constitutional authority, but in palpable violation of the spirit and letter of that instrument. They can find in it no sanction for an improvement of rivers and harbors; but they can give it a construction sufficiently broad to annex a foreign country to our own. They can find no authority for the expenditure of money for the benefit of our own people and the improvement of our own country, but they find warrant

sufficient to wage a war of conquest in a foreign land, and add whole provinces of a neighboring kingdom to our own dominions. This looks very much like "straining at a gnat while they swallow a camel."

But, Mr. Speaker, it appears to me unnecessary to examine these questions at this time. This appropriation, and all the objections to it, have been considered and decided by the House before the vote was taken on the passage of the bill. Why should they be reconsidered now? The House has deliberately, and upon full consideration, decided that the appropriation should remain in the bill. Why, then, should they change that determination, and decide to strike it out? There is but one argument used now against the appropriation, which was not used before the vote was taken on the passage of the bill, and that is the argument so strenuously urged on yesterday by the gentleman from Georgia and the gentleman from Virginia—that the President will veto the bill if it is sent to him with this item contained in it.

We have had, since the present President came into power, several instances of the arbitrary exercise of the veto power, but this is the first time that the friends of the President have attempted to control the action of the House of Representatives by holding out before it threats of a Presidential veto. It is bad enough to have the wishes of the people thwarted, and the acts passed by their Representatives nullified by an arbitrary Executive veto; but it is worse, infinitely worse, to have the threats of a veto flouted in our faces to deter us from passing a bill which may not be agreeable to the President. Perhaps the gentleman from North Carolina, instead of recommitting this bill (as he has suggested) to a committee of the whole House, should move to commit it to a select committee, with instructions to proceed with it to the "White House," and request, in the name of the Representatives of the people, that his highness, the President of the United States, will be graciously pleased to point out such items in the bill as are not agreeable to his royal wishes; that the Representatives of the people, his loving and dutiful subjects, may strike them out, and thus secure his approbation. Such a course, if not in conformity with our republican institutions and the Democratic notions of our fathers, who formed our Government, would at least be a very fit mode of carrying out the extreme servility to the President which many of his friends here have manifested.

It was the practice of Oliver Cromwell, Lord Protector of the Commonwealth of England, when the Parliament manifested a disposition to pass laws which were not agreeable to his wishes, to summon them before him in the "Painted Chamber," and there lecture them on their duties. Perhaps our *Democratic* President might profit by this example, and thus coerce a refractory Congress into submission to his wishes. Should he do so, I do not doubt that he would find numerous supporters, who would contend that such a course was strictly *Democratic*.

But, sir, the President's friends will find the threats of the Executive veto have no terrors for this side of the House. We know not whether the item in this bill objected to is agreeable to the President, and we care not. A majority of the House has decided that it is right. In making this decision, they have acted upon their own convictions of the interests of the country. If they should now recede from this decision for fear of the veto or displeasure of the President, they would be unworthy of the seats they occupy; they would be fit only to be the slaves of a despot.

As the friends of the President have seen proper to introduce the subject of the veto into this debate, and to threaten us with its exercise in this case, I will avail myself of the opportunity to make some general remarks on the manner in which this power has been of late years exercised. The extraordinary concentration of the powers of the Government in the hands of the Executive, which, for several years, has been steadily progressing, is well calculated to excite alarm. The "*one-man power*" has already become so great, that it completely overshadows all others. It is rapidly growing up into a despotism, which threatens to undermine the pillars of the Republic, and change the character of the Government. The advocates of executive power and prerogative are as clamorous now as they were when these States were colonies of the British crown. The arguments of those who opposed

the Revolutionary struggle of our Fathers, were based upon the "necessity of strengthening the prerogative of the monarch, and of supporting the dignity of the crown." They could not give their assent to the principle that the people possessed the right of self-government. They were unwilling that the people should possess the right of legislation through their representatives, without being controlled by the veto of the British king. The arbitrary exercise of the veto power by the crown was one of the causes of the Revolution. It is assigned in our Declaration of Independence as one of the causes of separation from the mother country. In the enumeration of the acts of tyranny complained of, the first one is in these words:

"He has refused his assent to laws the most wholesome and necessary for the public good."

Is the arbitrary exercise of this power any less oppressive and tyrannical by an Executive elected by the people, than by one who claims to rule by hereditary right?

In the Convention which formed our Constitution a great difference of opinion existed as to the extent of power which should be conferred on the Executive department of the Government. The Federalists contended that the Executive arm should be strengthened. This was the main point of contest between the Federalists and Republicans of that day. It was contended that the people were impulsive, tumultuous, and refractory, and that the Executive should be clothed with power sufficient to enable him to "*check their turbulence*." The experience of more than half a century has proved the fallacy of these opinions. The truth is, that the great danger to our system arises not from the weakness, but from the strength of the Executive power; a power ever prone, in all ages and all countries, to usurpation; skilful in encroaching on the rights of the people in a thousand forms. And yet, with the history of the world before us, proving as it does the necessity of checking and curtailing this power, we find here, in the year of Grace, 1848, in the American House of Representatives, these old, exploded doctrines of Federalism, new-vamped and clothed in the mantle of modern Democracy, and zealously urged upon the country as *Democratic* principles. The doctrine is here zealously urged, that it is not only the "prerogative," but the duty, of the President to interpose his veto to prevent the passage of laws which a large majority of the people believe to be "the most wholesome, and necessary for the public good."

It may be well to look at the reasons assigned by the framers of the Constitution for giving to the President the power of vetoing the acts of Congress, and the manner in which they supposed the power would be exercised. It is very clear that they never contemplated that it would be exercised with the frequency, or under the circumstances, which have of late years characterized its exercise. Those old-fashioned Republicans would have been shocked beyond measure at the avowal of such principles as we now hear daily advanced in the name of Democracy. In the seventy-third number of the *Federalist* the veto power is discussed, and the reasons which induced the Convention to confer it are given. It is there said: "The primary inducement to conferring the power in question upon the Executive is, to enable him to defend himself." The object, then, was not to confer upon the President a power to check and control the legislation of Congress whenever caprice or party spirit might induce a desire to prevent the enactment of any particular law, but to place in his hands a conservative power to protect the constitutional rights of his own department from encroachment. The framers of the Constitution had then before them the example of the King of Great Britain, who, though vested with an absolute veto upon the action of Parliament, had not then for many years previously ventured to exercise that power in a single instance. In the same number of the *Federalist* it is said:

"The superior weight and influence of the legislative body in a free government, and the hazard to the Executive in a trial of strength with that body, afford a satisfactory security that the negative would generally be employed with great caution; and that in its exercise there would oftener be room

for a charge of timidity than of rashness. A king of Great Britain, with all his train of sovereign attributes, and with all the influence he draws from a thousand sources, would, at this day, hesitate to put a negative upon the joint resolutions of the two Houses of Parliament.

"If a magistrate so powerful, and so well fortified, as a British monarch, would have scruples about the exercise of the power under consideration, how much greater caution may be reasonably expected in a President of the United States, clothed for the short period of four years with the executive authority of a government wholly and purely republican."

They seemed to suppose that the President of the United States would be more cautious in the exercise of this power than the British king, and, indeed, it was then apprehended that the danger would be that the President would be afraid to exercise it in a case of clear and palpable violation of the Constitution. In the same article to which I have already referred may be found the following passage in regard to its exercise:

"But it will not follow that because it might rarely it would never be exercised. In the case for which it is chiefly designed, that of an immediate attack upon the Constitutional rights of the Executive, or in a case in which the public good was evidently and palpably sacrificed, a man of tolerable firmness would avail himself of his Constitutional means of defence."

These extracts present the views which were at that time entertained of the veto power, and the manner in which it would be exercised. The action of the earlier Presidents conformed to these views. The power was very rarely exercised, and only in such cases as secured the concurrence of the public will.

But, Mr. Speaker, in what manner has this power been exercised in modern times? Instead of being used as a means of protecting the Executive from an encroachment upon his Constitutional rights, it has been used to overcome and control the legislation of Congress. It is now claimed that the President is a part of the law-making power, and that no laws should be passed which do not conform to his opinions of policy and expediency. President Polk has used this power in a more arbitrary and capricious manner than any of his predecessors. He has done that which no President of the United States has ever before ventured to do, or thought of doing. He has vetoed a mere private bill making an appropriation to discharge an obligation of the Government to private citizens, the justice of which has been repeatedly admitted by committees of both branches of Congress. During the last Congress a bill was passed making an appropriation from the public lands to pay the indemnities due for French spoliations prior to 1808, a liability for which had been assumed by the Government in the treaty with France. The passage of the bill was an act of long deferred justice to a meritorious class of citizens. It presented no Constitutional question. It is not pretended that it, in any possible degree, interfered with any of the rights of the Executive department. It had no possible relation to any of those cases in which the framers of the Constitution supposed the President would be justified in using the veto power—and yet President Polk vetoed the bill. He said he thought it was not expedient to pay those claims. The question is here distinctly presented upon this veto. Shall the power of determining mere questions of expediency, in the application of the public money, be exercised by the Representatives of the people, or shall it be controlled by the President? If this power can be controlled by the President, the character of our Government is essentially different from what we have supposed it to be. The theory of our Constitution is not what it was supposed to be by those who framed it. Our form of government is, in fact, an elective monarchy instead of a Republic. Why, Mr. Speaker, every gentleman here knows that this is a stretch of power which the Crown of England has not exercised for more than a century, and which it dare not now exercise. I wish now, Mr. Speaker, to examine the manner in which this power has been exercised by President Polk, upon a more important subject, and one of more general interest—the subject of internal improvements. Ever since the organization of our Government it has been a favorite policy with a large majority of the people to aid and facilitate the commerce of the country by the improvement of our harbors and rivers. The power of making appropriations for these ob-

has hardly been seriously questioned until very recently. It has been steadily increased with great benefit to the country, and to the entire satisfaction of the people, from the time of the first Congress to the commencement of Mr. Polk's Administration.

The first attempt of a President to arrest appropriations for this object was made by Gen. Jackson in his veto of the "Maysville Road bill." This was a bill authorizing the Government to subscribe for a portion of the stock in the Maysville and Lexington road. It was vetoed by Gen. Jackson on the ground that the work was local and sectional in its character, and not of such general importance as to warrant the General Government to aid in its construction. In his veto of this bill, Gen. Jackson expressly recognised the power and propriety of making appropriations for works of national importance, and he repeatedly gave his sanction to acts of Congress of this character. In all the different phases which *modern Democracy* has assumed upon this question, it has never, until the commencement of Mr. Polk's Administration, ventured to take the broad ground of opposition to appropriations for works of internal improvement. Sometimes it has been assumed that it is constitutional to make improvements on salt water, but not on fresh water. Hence, while the harbors upon our Atlantic sea-coast might be improved, our western lakes and rivers must be neglected. At other times it has been gravely put forth as the very concentration of Democratic wisdom and constitutional construction, that Congress has power under the Constitution to improve a river which runs through two or more States, but that it has no such power if the river waters but one State. Again, it has been admitted that our "inland seas" are entitled to the fostering care of the General Government, but nothing which cannot claim so dignified a name as constitutionally be improved. But it has remained for Mr. Polk, in the *progress* of Democracy, to overleap and disregard all these nice and subtle distinctions, and plant himself upon the broad ground that no appropriations for improvements of this kind can be made by the General Government. No appropriations of this character have been made since Mr. Polk's Administration commenced, and none will be made while it continues. The river and harbor bills which have been passed by Congress by large majorities have found a grave in the President's pocket, or have fallen beneath his veto. In his special message, sent to the House during this session, he has far outstripped his Democratic predecessors in his opposition to appropriations of this character. All the fine spun theories and refined distinctions heretofore set up as pretexts and excuses for evading appropriations, which the public interest demanded, have been abandoned, and the broad ground has been assumed that Congress has no right to appropriate one dollar for the improvement of rivers and harbors. Allow me to read an extract from this message to show the ground he assumes. He says:

"If the power to improve a harbor be admitted, it is not easy to perceive how the power to deepen any inlet on the ocean or the lakes, and make harbors where there are none, can be denied. If the power to clean out or deepen the channel of rivers near their mouths be admitted, it is not easy to perceive how the power to improve them to their fountain head, and make them navigable to their sources, can be denied. Where shall the exercise of the power, if it be assumed, stop? Has Congress the power, when an inlet is deep enough to admit a schooner, to deepen it still more, so that it may admit ships of heavy burden? and has it not the power, when an inlet will admit a boat, to make it deep enough to admit a schooner? May it improve rivers already deep enough to float ships and boats, and has it no power to improve those which are navigable only for flat boats and barges? May the General Government exercise power and jurisdiction over the soil of a State consisting of rocks and sand-bars in the beds of its rivers, and may it not excavate a canal around its water-falls across its banks for precisely the same object?"

"Giving the subject the most serious and candid consideration of which my mind is capable, I cannot perceive any intermediate ground."

Mr. Polk, then, assumes that Congress has no power to appropriate money for any of these objects; and, therefore, he refuses his sanction to the bill which Congress had passed.

We are brought now, sir, to the question, shall the improvement of our rivers and harbors be abandoned? It is a question of great interest to every portion of the

country. With every administration of the General Government before the present one, the power of making such improvement, to some extent at least, has been recognised, and appropriations for the purpose have been made. The people are distinctly informed, for the first time, that such appropriations shall no longer be made, unless they can be carried over a Presidential veto. Is the country prepared to abandon this system—to suffer its commerce to be crippled, and the lives of its citizens to be sacrificed upon our lakes and rivers, for the want of appropriations to render their navigation safe and easy? It would be useless for me to enlarge upon the necessity of such appropriations. Upon our great northern lakes, the immense improvements began by the Government, are now rapidly suffering decay and dilapidation for the want of further appropriations to complete them; while every year numerous lives are sacrificed, and large amounts of property are destroyed, for the want of these improvements. The Ohio and Mississippi rivers—those great channels of trade through which the vast surplus products of the Mississippi valley find an outlet to market—are every year becoming more obstructed, and their navigation more difficult, from the neglect of the Government to make appropriations necessary for their improvement. The half finished works which the Government has undertaken and has now abandoned, have themselves become serious and dangerous obstacles to the navigation. Many valuable lives and large amounts of property are every year sacrificed by this heartless and cruel neglect of the Government to discharge the obligations which it owes to the country. One tithe of the money which has been expended in the unnecessary Mexican war, into which the country was forced by President Polk, would have made all the improvements upon our western lakes and rivers necessary to render their navigation entirely safe.

But, sir, it is useless to enlarge upon the advantage or necessity of appropriation for these objects. They are admitted by the country and by Congress. Do the people of the United States desire appropriations to be made for them? Of the wishes of the people on this subject there can be no doubt. There has been no period when an expression of the popular will has been made against them. It has been the uniform practice of Congress, for more than fifty years, to make appropriations for objects of internal improvements. The only interruptions to such a course of legislation have been occasioned by the arbitrary interposition of the Executive veto. Abundant evidence of the conflict between the popular will and the opinion of the Executive is found in the action of Congress since the inauguration of Mr. Polk. There has been no period since the commencement of his Administration when there has not been a decided majority in Congress in favor of such appropriations. On the 3d of August, 1846, the President vetoed the River and Harbor bill which had passed both Houses of Congress by decided majorities. The veto message was sent to the House of Representatives, in which the bill originated. The Journal shows, that after a full consideration of the message, ninety-seven members voted in favor of passing the bill over the veto, while but ninety-one voted against it. It should be recollected, too, Mr. Speaker, that the House of Representatives then contained a majority of Democratic members, amounting to nearly two to one. Thirty-seven of those who voted to pass the bill over the veto were Democrats. The decision against the President was made, not by a House of Representatives who opposed him on party grounds, but by one entirely in the hands of his own friends. The influence of party was in favor of the President, and not against him. Democratic members were constrained, by the known wishes and opinions of their constituents, to vote against the course of their own party President.

At the last session of the same Congress a similar bill was passed, embracing appropriations for the Ohio and Mississippi rivers and the lake harbors. This bill was sent to the President on the last day of the session; but, instead of returning it with a veto, he retained it in his possession until after the adjournment of Congress, and thus prevented it from becoming a law. This is what is denominated the "pocket veto." Early in the present session we received from the President an elaborate message, assigning his reasons for withholding the bill. Shortly after this message

presented to the House, the gentleman from Illinois (Mr. WENTWORTH) introduced a resolution in the following terms :

That the General Government has the power to construct such harbors and improve such as are necessary and proper for the protection of our navy and of our commerce ; and, for the defences of our country."

which was adopted by the House by a vote of 138 against 54.

A more decisive condemnation of the course of the President was made by a resolution a short time ago, by the adoption of a series of resolutions, which were introduced by the Committee on Commerce. One of these resolutions was in these

terms : That the Constitution of the United States vests in Congress the power to appropriate money to open and improve harbors, and remove obstructions from navigable rivers, in all cases in which improvements are necessary to the protection and facility of commerce with foreign nations and commerce among the States."

A resolution was adopted by a vote of 128 yeas against 59 nays.

Another resolution of the same series, directly condemning the veto of President Johnson, was as follows :

That the reasons assigned by the President in his veto message of 5th December, 1847, for refusing to approve and sign the bill passed March 3d, 1847, making appropriations for the improvement of certain harbors and rivers, are deemed insufficient and unsatisfactory."

A resolution was adopted by a vote of ninety-one (91) yeas to seventy-one (71) nays.

Upon this resolution many of those Democratic members who profess to be opposed to internal improvements, and who voted for the bill which was vetoed, refused to vote. Their dread of their constituents would not permit them to vote in favor of the President's course, while their party fealty and their dread of Executive displeasure, equally prevented them from voting in condemnation of it. They concluded that "discretion was the better part of valor," and declined the responsibility of voting on either side.

There can be no doubt of the fact that a large majority of the people desire appropriations to be made. If the river and harbor bills which have been vetoed, were submitted to the direct test of a popular vote, there would be an overwhelming majority in their favor. Let me inquire, sir, in what way, under our present system, are the wishes of the people, in regard to matters of internal policy, ascertained ? I have always supposed, under a republican government like ours, that the wishes and opinions of the people were to be made known through their Representatives. These Representatives are elected from every district. They come here after a personal intercourse with the people of every town, village, and neighborhood. Their opinions upon these questions are presented to the people before the election, and they come here pledged to vote in accordance with the opinions thus expressed. Yet, sir, we are gravely told that the opinions of the President are to be taken as the test of public sentiment, and that the people's Representatives must not dare to pass any bill which conflicts with his opinions. This is called *Democracy* ! Well might I repeat the exclamation made on yesterday by the gentleman from Georgia, (Mr. IVERSON,) "O shame ! where is thy

matter of surprise and astonishment that such sentiments can be advanced in a republican government, and that those who promulge them are not hurled by the people from the position they are calculated to degrade, from place and power.

Let me inquire whether the people living on the margin of the Ohio river, who are represented by my Democratic colleagues, (Mr. HENLEY and Mr. ROBINSON,) are opposed to appropriations for the improvement of that river ? How is it with the people of my democratic colleague, (Mr. CATHCART,) whose district borders on Lake Michigan ? Are they opposed to appropriations for lake harbors ? How is it with the people of the great commercial city of St. Louis, represented here by a gentleman, (Mr. BOWLIN) ? Are they opposed to appropriations for the improve-

ment of the Mississippi river? I should like to hear from the gentleman from Chicago, (Mr. WENTWORTH.) Is his district, with its four thousand democratic majority, opposed to the improvement of lake harbors?

[Here Mr. WENTWORTH remarked that he had always voted for the river and harbor bills.]

Yes, (said Mr. SMITH,) I admit you always vote for these bills, and then you are always sure to vote for a man for President who will veto them. How long will you take your constituents to get their harbors completed under this system of having a Representative to vote for the bills in Congress, and a President to veto them when they are passed.

I might enumerate many other Democratic members here whose constituents are largely interested in these works, and desire these appropriations. They are numerous as to leave no doubt of the strong predominating sentiment of the country in their favor. Nor is this expression of the Representatives of the people in the favor, a mere ebullition of feeling growing out of a local excitement. It is the deliberate and settled judgment of the country, founded upon a knowledge of its necessities and rights. It has been expressed time and time again, in Democratic as well as Whig Congresses, overriding all the force and discipline of party, and resisting all the threats and promises of Executive power. But what avails, Mr. Speaker, these expressions of the people's will in regard to this system of policy? What does it that their Representatives decide by large majorities in their favor? There is in the "White House" our Democratic President, claiming to be the people's master, and armed with the formidable power of the veto, telling them, "I forbid these appropriations."

And why, sir, under a free government, should a system like this be tolerated? Why should the veto power, designed by the framers of the Constitution for purposes so different, be suffered to be used as an instrument of tyranny to control and thwart the wishes and interests of the people? Let me inquire of those on the other side of the House who make such loud professions of their Democracy, do you consider the people capable of self-government? Are they competent to determine what policy should be adopted by their Government? Are you willing to acknowledge the principle, that the will of the country should be carried into execution? You are profuse in your avowals of a regard for popular rights. You endeavor to create the false impression, that those who refuse to subscribe to the principles of your bastard Democracy, are opposed to republican principles; and yet you uphold and sustain in your President a despotic opposition to the wishes of the people, more tyrannical than that for which kings have but recently been hurled from their thrones. The people have begged and implored that appropriations may be made to make these improvements in the important rivers and harbors of the country, which are indispensable to the safety of life and property. Their Representatives in both branches of Congress have repeatedly passed bills making such appropriations, and yet the President refuses his sanction.

Is the President more wise than the collected representation of the people? Has he a better knowledge of the wants and interests of the country? Shall the expenditure of the public money be controlled by him, rather than by those who pay into the Treasury? Upon what principle, then, shall his single will stand out to oppose and defeat that of the country? He has been elected as the agent, the servant of the people, to execute and not to thwart their wishes. His continued defiance of one of the most important interests of the country, though done under the form of the Constitution, is an arbitrary and tyrannical abuse of authority, and should bring upon the high functionary who thus sets at defiance the wishes of the people from whom his power emanates—

"On all sides from innumerable tongues,
A dismal, universal hiss; the sound
Of public scorn."

the arbitrary exercise of the veto power, by Mr. Polk, has brought the question before the country, and made it one of the issues in the pending Presidential contest. The country must determine the question—Shall the people regulate their own matters of domestic and internal policy, or shall they be governed and controlled by the President? I shall be obliged to my friend from Illinois, who is so ardent a friend of internal improvements, if he will inform us what are the opinions of Gen. Cass on this subject.

MR. WENTWORTH replied, that he had been in Congress with Gen. Cass three years, and they had always voted in the same way on the river and harbor bills; and was all he knew about it.

MR. SMITH continued: I am greatly obliged to the gentleman for this lucid exposition of the opinions of his candidate. Now, I happen to have here a "little book," which reminds me of the primer of John Rogers, who was burnt at the stake in the case of "Bloody Mary," in which were these memorable lines, addressed to his

"I leave you here a little book,
For you to look upon;
That you may see your father's face,
When he is dead and gone."

He will send it to the Clerk's desk to be read:

MR. SMITH then sent to the Clerk a small book, about an inch square, containing a letter of Gen. Cass to the Chicago Convention, which was read by the Clerk as

"DETROIT, May 29, 1847.

DEAR SIR: I am obliged to you for your kind attention in transmitting me an invitation to attend the Convention on Internal Improvements, which will meet in Chicago in July. Circumstances, however, will put it out of my power to be present at that time.

"I am, dear sir, respectfully yours,

LEWIS CASS."

W. L. WHITING, Esq."

The Chicago Convention was one of the most important assemblages which has ever convened in any portion of the country. It was made up of distinguished individuals of all political parties, from every section of the Union. Its object was to shape and direct the opinions of the country in favor of internal improvement. Silas Wright, Col. Benton, and many other distinguished members of the Democratic party, who were unable to attend personally, sent letters expressing their opinions on the subject. Gen. Cass, standing then in the attitude of a prominent candidate for the nomination of his party for the Presidency, sent the letter which has just been read. It has been deemed so important, that it has been published in the form of this "little book," that his Democratic friends "*may see his father's face when he is dead and gone.*" [Several voices. That will soon be the case. Yes, about the 7th November next will bring about the mournful event.

In all seriousness, Mr. Speaker, is it not humiliating to reflect, that a man who claims to be a statesman, and who asks the people to elevate him to the Chief Magistracy of the nation, should resort to a course so utterly contemptible, to contradict his opinions upon a great question like this? In a more recent instance he pursued the same dodging, evasive course. On his return home, after he had secured the nomination of the Baltimore Convention, he was received by his party at Cleveland. In the address made to him by Judge Wood, he was asked to state the charge which had been made that he was opposed to the improvement of the General Government, of our rivers and lake harbors; instead of attempting to state the charge, he said that "the noise and confusion which prevailed would prevent him from explaining his views on the important topics to which his attention had been called." The gentleman from Illinois, (Mr. WENTWORTH,) however, insists that Gen. Cass is in favor of internal improvements. What evidence have we of it? Why Gen. Cass has voted for river and harbor bills. Has the gentleman seen the letter of Gen. Cass accepting the nomination of the Baltimore Con-

vention? Does that furnish any evidence of his opinions, or the policy which control his administration, should be elected? In that letter he says:

"I have carefully read the resolutions of the Democratic National Convention, laying down the platform of our political faith, and I adhere to them as firmly as I approve them cordially."

What are those resolutions which thus constitute the "platform" of Democratic faith? I will read those which have a bearing on this subject:

"Resolved, That the Constitution does not confer upon the General Government the power to commence and carry on a general system of internal improvements."

"Resolved, That the confidence of the Democracy of the Union, in the principles, capacity, honesty, and integrity of James K. Polk, manifested by his nomination and election in 1844, has been signally justified by the strictness of his adherence to sound Democratic doctrines, by the purity of purpose, the energy and ability which have characterized his administration, in all our affairs, at home and abroad."

These resolutions constitute the Democratic platform of the Baltimore Convention on the subject of internal improvements. They endorse the course and policy of Mr. Polk's administration in the fullest and broadest manner. To these resolutions Gen. Cass says he adheres as firmly as he approves them cordially. Mr. Polk has vetoed all the internal improvement bills which Congress passed since his inauguration. Does it not then follow, of necessity, that Gen. Cass stands pledged, if elected, to do precisely as Mr. Polk has done, and to veto just such bills as Mr. Polk has vetoed? And suppose he has voted for the harbor and river bills in the Senate? What security does that afford that he will sustain such measures hereafter? Does not every man in this House well know that the avowal of an opinion by Gen. Cass on any particular subject, is no evidence that he will entertain or avow the same opinion on the same subject the next day? Have gentlemen forgotten the avowal of opposition made by him to the annexation of Texas, when that measure was first proposed? Do they recollect his celebrated expression, "if England wants it, let God's name let her take it; we don't want it?" And yet, in a short time afterwards, when he found his chances for a Democratic nomination would be increased by it, he wrote a letter avowing himself in favor of it. Do not gentlemen here know that, when the subject of prohibiting slavery in the territory, which it was expected we should acquire from Mexico, was first presented here, Gen. Cass avowed himself in favor of it, and expressed a strong anxiety that the opportunity of voting for such a prohibition in the Senate should be afforded him? Do they not know equally well that when he found he was losing friends in the South, by reason of that avowal and that it would be likely to prevent his nomination, he basely betrayed the North and voted against it, and also wrote a letter to a Southern man, pledging himself, if elected, to veto any bill which Congress might pass containing such a prohibition. These things are all well known and understood. I would advise my friend from Illinois to read the work written by Gen. Cass, while Minister to France, entitled "The King and Court of France." If he will contrast the high praise there bestowed upon the French monarch, Louis Phillippe, with his denunciations of the same king in one of his late speeches in the Senate, he will find an instructive lesson on the mutability of politicians of the Democratic school.

But this double face of Gen. Cass, on the subject of internal improvements, is without its object. His friends in the North, like the gentleman from Illinois, (Mr. WENTWORTH,) will insist that under his administration liberal appropriations will be made for lakes and rivers. His vote in the Senate will be appealed to as evidence to sustain the position. His friends in the South will contend that all such bills will be vetoed. As evidence, they will appeal to the "platform" of the Baltimore Convention and Gen. Cass's letter of acceptance. He approves entirely of Mr. Polk's policy, and as his vetoes of these bills is a very important item of that policy, it follows that he approves of them. In the end a deep game of deception will be played, and one interest or the other must be betrayed. It will be another "Kansas letter" affair; holding out false and delusive hopes to the interest which is intended to be stricken down.

A gentleman from Illinois, (Mr. WENTWORTH,) has asked me what are the opinions of General Taylor on this point? I will answer him by reading an extract from General Taylor's letter to Captain Allison, in which he explains them explicitly. He says:

"The power given by the Constitution to the Executive to interpose his veto, is a high conservative power; but, in my opinion, *should never be exercised, except in cases of clear violation of the Constitution; except haste, or want of consideration by Congress.* Indeed, I have thought that, for many years, the known opinions and wishes of the Executive have exercised *undue and injurious influence* upon the legislative department of the Government; and, for this cause, I have thought our system was in DANGER of undergoing a great change from its true theory. The *personal opinion* of the individual who may happen to occupy the Executive chair, ought not to control the action of Congress upon questions of domestic policy; nor ought his objections to be interposed when questions of constitutional power have been settled by the various departments of the Government, and acquiesced in by the people. Upon the subject of the *Tariff, the Currency, the Improvement of our great highways, rivers, lakes, and harbors, the WILL OF THE PEOPLE, as expressed through their Representatives in Congress, ought to be respected and carried out.*"

The sentiments here expressed are such as would have done honor to the statesmen of the early days of the Republic. They present the true constitutional ground. They mark out the course which was pursued by the first Presidents. The President confined himself within the constitutional limits of his duties, and left the question of legislation to the Representatives of the people. During the eight years of General Washington's administration the veto power was used but twice. In the twenty years of the administrations of John Adams and Thomas Jefferson, it was not used a single instance. No such absurd opinions as those now advanced, in the name of Democracy, that the President should veto bills which he does not think expedient, were then entertained. General Taylor has taken the same ground. In guiding his action by the principles of the Constitution, he will permit the will of the people, as expressed through their Representatives in Congress, upon the question of the tariff, the currency, the improvement of our great highways, rivers, lakes, and harbors, to be respected and carried out. Do gentlemen object to this? They are unwilling that the will of the people, in relation to these subjects, should be carried out? If there were no other reasons why General Taylor should receive the confidence and support of the country, these alone are sufficient. The great and constantly increasing influence of Executive power has been the bane of this Republic. It is the Pandora's box from which all our evils have proceeded.

The history of this Government for the last twenty years has shown that the influence of the Executive is sufficient to defeat the will of the people, whenever it is exerted for that purpose. The power of the President has been found sufficient to destroy institutions which enjoyed the confidence and support of the country. It was found sufficient to force through Congress the annexation of Texas, against the wishes of a large majority of the people.

Mr. McCLELLAND here inquired of Mr. S., if the people had not decided in favor of the annexation of Texas in the election of Mr. Polk in 1844?

Mr. SMITH replied, they had not. In many portions of the country the Democratic party, which supported Mr. Polk, openly took ground against this measure. In New York, by whose vote Mr. Polk was elected, his supporters solemnly protested against it, while they yielded to him their support. It is well known that a large majority of the very Congress which passed the act were before opposed to the measure. A short time after Mr. Polk reached Washington, previous to his inauguration, a letter appeared in the Richmond Enquirer, dated from Washington, in which it was stated that no Democratic member of Congress, who opposed the annexation of Texas, need expect any favor from Mr. Polk's administration. Suddenly a change came over the spirit of their dreams. Many who had before opposed the measure in their adhesion, and it was carried through Congress. Some of those members whose opinions were so suddenly changed, have since been rewarded with honorable and lucrative offices. Under this system of Executive control the independence of Congress has been destroyed, and the attempt has been made to sacri-

since the freedom of debate, by denouncing opposition to the high-handed usurpation of the President as treason to the country.

Sir, I trust a remedy for these enormous evils will be found in the election of General Taylor. Under his administration the independence of Congress will be respected. The power of the Executive will be exerted only in its own sphere; the will of the people will be looked to as the polar star which will guide the course of the Government.

The gentleman from Georgia, (Mr. IVERSON,) who addressed the House yesterday, was quite eloquent as a mourner for the defeat of Henry Clay. He put out a strain of mournful lamentation over the fallen fortunes of that great man, almost felt inclined to mingle my tears with his.

Mr. IVERSON here remarked from his seat, "what I said was in derision."

Ah! in derision! I knew it was in derision. I knew that praises for him could come from that source but in derision. I wish the country to know—I wish the illustrious man and his friends to know, that the crocodile tears which have been shed from Locofoco eyes have been shed in derision. But this is not the first time we have seen these tears and heard these mournful notes. Ever since the nomination of Gen. Taylor as the candidate of the Whig party, the sympathies of Locofoco have been strongly enlisted for Henry Clay. Father Ritchie has been especially dignant at the great injustice which has been done to the "noble, gallant, and patriotic Henry Clay." Is this the same Henry Clay who, in 1844, was denounced by these same men as the "*black leg united with the puritans*?" Is this the same Henry Clay who was charged by them with bribery and corruption?—who was calumniated with every vile epithet which a prostituted press, and unscrupulous demagogues, could heap upon him? Is he the same Henry Clay whom Ritchie has gone gray in slandering? In 1840, when Gen. Harrison was nominated, the same man was pursued. Suddenly the cause of Mr. Clay, with which the Locofoco press had been teeming for years, was converted into praise. But, in 1844, when Mr. Clay was again a candidate, these praises were forgotten, and every species of vituperation, which a malignant heart or a foul imagination could suggest, were heaped upon him. Let me assure gentlemen that they may spare their tears for Mr. Clay; it is not to them that he or his friends will look for sympathy. They know and appreciate their eulogies and their crocodile tears. And let me assure them, further, that these efforts will fail to accomplish the effect intended. They will not win one Whig from the support of Gen. Taylor.

The Whig party of the United States have the same regard for Mr. Clay which they have unceasingly cherished through twenty long years of political strife. They have the same confidence in his integrity and abilities which has heretofore procured their support of him. But they did not wish, by placing him again before the country as a candidate, to expose him to the malignant assaults of an unscrupulous Locofoco press, and compel him, in his old age, to pass through the fiery ordeal of 1844. They have nominated a man who has not been slandered and abused as much as Mr. Clay. This, however, has been owing to the fact that he has been a candidate but a short time. General Taylor seems to be in a fair way to receive a share of Locofoco calumny and abuse; and what Whig candidate ever failed to receive it? Father Ritchie is making rapid progress in schooling himself in detraction of Gen. Taylor, and will soon equal his best efforts at slandering Mr. Clay. But all will be in vain. The people have already determined that this Administration and its friends shall be driven from power. They will not suffer the Presidential chair to be filled, during the next four years, by a time-serving demagogue—a political trickster—who has grown wealthy on extra pay from the public treasury. They will place in that position one unschooled in the hackneyed arts of the politician; one whose courage and skill in war are only equalled by the kindness of heart and the genuine benevolence of his character; one who, to use his own eloquent language, has "no enemies to punish, no friends to reward; nothing to care but his country."